

Pursuant to 28 U.S.C. § 636(b) and a specific Order of referral of the District Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider these pending motions in the above-

captioned action and to submit to this Court a recommendation for the disposition of these motions.

On November 27, 2012, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 13] in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the motions [Docs. 12 and 14]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The Plaintiff timely filed her Objections on December 13, 2012. [Doc. 14].

After careful consideration of the Magistrate Judge's Memorandum and Recommendation [Doc. 13] and the Plaintiff's Objections thereto [Doc. 14], the Court finds that the Magistrate Judge's proposed findings of fact are correct and that his proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Plaintiff's Objections and accepts the Magistrate Judge's recommendation that the Commissioner's decision in this case be affirmed.

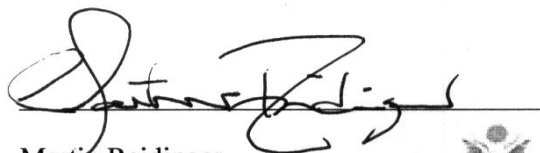
**IT IS, THEREFORE, ORDERED** that the Memorandum and Recommendation [Doc. 13] is **ACCEPTED**; the Plaintiff's Objections thereto [Doc. 14] are **OVERRULED**; the Plaintiff's Motion for Summary

Judgment [Doc. 7] is **DENIED**; the Defendant's Motion for Summary Judgment [Doc. 11] is **GRANTED**; and this case is hereby **DISMISSED**.

A judgment shall be entered simultaneously herewith.

**IT IS SO ORDERED.**

Signed: December 28, 2012

  
Martin Reidinger  
United States District Judge

